UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,865	07/18/2003	William Samuel Herz	NVID-056/00US 140060-2120	2905

23419 7590 12/13/2007	EXAMINER
COOLEY GODWARD KRONISH LLP ATTN: Patent Group Suite 1100 777 - 6th Street, NW Washington, DC 20001	THERIAULT, STEVEN B

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	2179	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/622,865	HERZ, WILLIAM SAMUEL
	Examiner	Art Unit	
	Steven B. Theriault	2179	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>25 October 2007</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1,4,7,8,12-14,16,17,19,21-24 and 37-41* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1, 4, 7-8, 12-14, 16-17, 19, 21-24, and 37-41* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the following communications: Amendment filed 10/25/2007.

2.   Claims 1, 4, 7-8, 12-14, 16-17, 19, 21-24, and 37-41 are pending in the case. Claims 1 and 19 are the independent claims. Claims 2-3, 5-6, 9-11, 15, 18, 20, 25-36 are the cancelled claims. Claims 37 -41 are new claims.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/25/2007 has been entered.

Claim Rejections - 35 USC § 103

3.   **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   **Claims 1, 4, 7-8, 16, 19, 37-38, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clapper et al (hereinafter Clapper) U.S. Patent No. 6,822,698 issued Nov.**

23, 2004 and filed Sept. 12, 2002, in view of Kolde (hereinafter Kolde) U.S. Patent Pub No.

20020175944 published Nov. 28, 2002 and filed May 23, 2001 (previously cited on 892).

In regard to **Independent claim 1,** Clapper teaches a method of using a graphical user interface

to navigate a media center, comprising:

- Displaying a remote control icon that is a three-dimensional <u>representation of </u>a physical

  universal remote control of the media center; (See Figures 2 and column 2, lines 60-67).

  Clapper teaches a physical representation of the actual remote control in the media

  center.

- In response to a user inputting a command by pressing a button of the physical universal

  remote control (Clapper column 3, lines 5-15). Clapper teaches highlighting the pressed

  button on the interface, to reflect the button to the user

Clapper does not expressly teach:

- updating said three-dimensional <u>representation </u>to display a <u>three-dimensional</u> animation

  of the button <u>being pressed </u>to indicate to the user that the command was received by the

  media center

Kolde teaches a process of creating a 3d animation of a button being pressed on a remote control

and representing the button on the interface, while also displaying the remote control on the

interface (See Para 0086 and Figure 6-7). Kolde teaches the button may be animated, highlighted

and the like and cyclically scaled, which creates a structure that, can represent a 3d animation of

a button being pressed. Kolde and Clapper are analogous art because they both display an

image of the physical remote control on the interface and show to the user, in a graphical form,

the representation of the button push.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of

the invention, having the teachings of Kolde and Clapper in front of them, to modify the system of

Clapper to have a 3D animation of the button press, to visually enhance the representation to the

user. The motivation to combine Clapper with Kolde comes from the suggestion in Kolde to

intuitively present an interface that assists the user (See Para 0008) and to instruct a user

through visual means as to the function they have pressed on the remote control through the

GUI.

With respect to **dependent claim 4,** Clapper teaches the method wherein said command is a

command to select one of a plurality of media devices (See column 5, lines 25-57) Clapper

teaches a tuner, and a TV and a set-top box.

With respect to **dependent claim 7,** Clapper teaches the method wherein said displaying

comprises: displaying media device icons for a plurality of media devices controlled by the

physical universal remote control (See Figure 8 and column 5, lines 25-57) Clapper teaches the

devices can be a tuner, set-top box and TV

With respect to **dependent claim 8,** Clapper teaches the method wherein said plurality of media

devices includes at least one of a TV receiver, DVR, PVR, EPG, CD player, DVD player, interactive

electronic game, digital radio, or an Internet appliance (See Figure 8 and column 5, lines 25-57)

Clapper teaches the devices can be a tuner, set-top box and TV. In the alternative, Kolde teaches the

set-top box connects to the Internet and a cable provider. Moreover, Clapper teaches downloading

the appropriate remote control from a database of remote controls where the controls can be used for

a variety of devices.

In regard to **Independent claim 19,** Clapper teaches a media center, comprising: a display (See

Figure 2)

- A universal remote control having a plurality of buttons to control a plurality of media devices of the media center (See Figure2 and column 2, lines 60-67). Clapper teaches a universal remote control to control a variety of devices.

- A computer and associated graphics processor, the computer receiving commands from the universal remote control (See Figure 8, column 5, lines 25-40). Clapper teaches a processor based system.

- Said computer displaying three-dimensional media center icons to represent attributes of said media center including generating a remote control icon that is a three-dimensional representation of the universal remote control (Clapper Figure 2) Clapper shows an actual image of the remote control on the interface.

Clapper does not expressly teach:

- and updating said three dimensional representation to display a three dimensional animation of the button being pressed to indicate to the user that corresponding commands are received by the media center

Kolde teaches a process of creating a 3d animation of a button being pressed on a remote control and representing the button on the interface, while also displaying the remote control on the interface (See Para 0086 and Figure 6-7). Kolde teaches the button may be animated, highlighted and the like and cyclically scaled, which creates a structure that, can represent a 3d animation of a button being pressed. Kolde and Clapper are analogous art because they both display an image of the physical remote control on the interface and show to the user, in a graphical form, the representation of the button push.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Kolde and Clapper in front of them, to modify the system of Clapper to have a 3D animation of the button press, to visually enhance the representation to the user. The motivation to combine Clapper with Kolde comes from the suggestion in Kolde to intuitively present an interface that assists the user (See Para 0008) and to instruct a user

through visual means as to the function they have pressed on the remote control through the
GUI.

With respect to **dependent claim 16,** Clapper teaches the method wherein the remote control
icon has buttons representing a plurality of media control buttons of said <u>physical</u> universal
remote control; said buttons of the remote control icon being updatable to represent processing of
commands received from said <u>physical</u> universal remote control (See figure 2, and column 3,
lines 1-15) Clapper teaches a remote has buttons that are updated to reflect highlighting when
the user presses them. In the alternative, Kolbe teaches a process of animating the button press
to the user, as shown in figures 6-7, that represent commands from the remote control.

With respect to **dependent claims 37-38,** Clapper teaches the method where the three
dimensional representation is a digital photo representation of the actual remote control (See
column 4, lines 5-50). Clapper teaches the system has a database of images, where the ID of the
device is checked every time the corresponding button for a given device is pressed. If the device
is not the correct one, then the database is consulted to deliver the correct image of the remote to
control the device. If the image is not found in the database, then the Internet is searched to
retrieve the image of the device where images can be downloaded and would be digital images.

With respect to **dependent claim 41,** as indicated in the above discussion, Clapper in view of
Kolde teaches every limitation of claim 19.
Clapper does not expressly teach the method wherein said at least one media player icon has a
video texture mapped onto the display surface of the media center icon. However, this limitation
would have been obvious to one of ordinary skill in the art at the time of the invention, in view of
Kolde, because Kolde teaches a process of putting graphical markings and textual markings on
the icon (See Para 0064). Kolde teaches the icons may share many visual characteristics and

that the button will have an Icon that will be a picture of the application that the GUI represents (See Para 0063 and 0065). Kolde further teaches that the Icons can be stored in the JPEG, GIF and TIFF formats, which creates a structure for visual characteristics and markings to be interpreted as textures to be added to media center icon.

Claims 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clapper et al (hereinafter Clapper) U.S. Patent No. 6,822,698 issued Nov. 23, 2004 and filed Sept. 12, 2002, in view of Kolde (hereinafter Kolde) U.S. Patent Pub No. 20020175944 published Nov. 28, 2002 and filed May 23, 2001, in further view of Shutaro et al (hereinafter Shutaro) EP 1096453 published Feb 05, 2001.

With respect to **dependent claims 21 and 23,** as indicated in the above discussion, Clapper in view of Kolde teaches every limitation of claim 19.

Clapper teaches the media center where said computer is configured to display media center icons (See figure 2) and Kolde clearly teaches an interface for a remote where the button selections are animated. Clapper in view of Kolbe does not expressly teach where the interface comprises a selection for a stack of entertainment devices <u>based on which button of said universal remote control is pressed</u> and where the media center wherein said computer is configured to display media center icons comprising media player icons. However, these limitations would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Shutaro, because Shutaro shows a stack or variety of Icons that control a variety of devices. The stack is shown horizontally and each device is controlled by the remote (See Figure 8, 10a, 13a, and Para 0026,). Shutaro also teaches (See Figure 8 and Para 0068-0071) a plurality of devices can be controlled from the remote and once the given device Icon has been selected that the appropriate commands for the selected device are shown on the interface. The motivation to combine Shutaro with Kolbe and Clapper comes from the suggestion in Shutaro, that by dynamically assigning functions to the remote keys that a larger number of functions then

the keys can be realized, which suggests that other functions could be used with the remote such as media device controls and buttons that represent a class of devices.

6.   **Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clapper et al (hereinafter Clapper) U.S. Patent No. 6,822,698 issued Nov. 23, 2004 and filed Sept. 12, 2002, in view of Kolde (hereinafter Kolde) U.S. Patent Pub No. 20020175944 published Nov. 28, 2002 and filed May 23, 2001, in further view of Kojima et al (hereinafter Kojima) U.S. Patent No. 6236398 issued May 22, 2001 and published Feb. 6, 1998.**

With respect to **dependent claim 12,** as indicated in the above discussion, Clapper in view of Kolbe teaches every element of claim 7.

Clapper in view of Kolbe does not expressly teach were the said media device icons comprise three-dimensional representations of media devices.

Kojima teaches a process of representing the icons on a television screen where the connected device can be selected and the icons are three-dimensional representations of the connected devices (See 5b, 7b, 8b, 9b, 13b, and column 6, lines 35-50 and column 7, lines 12-17, 42-45, and 59-65). Kojima teaches a process of providing a selecting means in a media center for allowing the user to see the device represented in the focus window where the Icons represent the actual device to be operated. Clapper and Kolbe teach interfaces that can comprise buttons to control a variety of devices and teach processes of changing a button to reflect a user selection. Further, Clapper teaches downloading images of remote controls from the Internet or a database, to retrieve the control for the user's device, which can comprise a host a devices and remotes. Kojima are analogous art because they all allow for a user to make a selection on a device that represents a

device and where the remote has a direct mapping to a location on the interface represented by the remote.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Clapper, Kolbe and Kojima in front of them, to modify the system of Clapper with system of Kolbe to comprise animated buttons and also with Kojima to display the device icons shown in Clapper with the icons of Kojima because Kojima teaches the process of displaying the icons in 3D form for the purposes of clearly identifying the device to the user so that no confusion exists as to which device is selected (See column 5, lines 15-34). The motivation to combine Clapper, Kolbe with Kojima comes from the suggestion in Kojima to make it easier for the user to visually and intuitively see what type of device has been selected (See column 2, lines 1-10 and 25-31 and column 5, lines 30-35 and column 10, lines 60-65).

7.   **Claims 13-14, 17, 24, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clapper et al (hereinafter Clapper) U.S. Patent No. 6,822,698 issued Nov. 23, 2004 and filed Sept. 12, 2002, in view of Kolde (hereinafter Kolde) U.S. Patent Pub No. 20020175944 published Nov. 28, 2002 and filed May 23, 2001, in further view of Miller et al (hereinafter Miller) U.S. Patent No. 6597358 issued July 22, 2003 and filed Aug. 26, 1998**

With respect to **dependent claims 13-14, 17, 24,** as indicated in the above discussion, Clapper in view Kolde teaches every element of claim 7 and 19.

Clapper teaches the process of using the remote control to select a media player icon on the interface and shows the process of controlling each device (See figure 2).

Shutaro does not expressly teach:

- A first media center icon is a media player icon having a window disposed on a front surface for displaying media, a back surface, and a side surface connecting said front and back surfaces;

- Said updating further comprises <u>in response to a command to change from a first media device to a second media device:</u>
  - o <u>R</u>otating said first media player icon from a front view" to a side view; and opening the second media player icon
  - o Wherein a portion of the side of said first media player icon remains unobstructed from view by said second media player.
  - o wherein said first media player icon is activated by selecting an unobstructed portion of said first media player icon.
  - o wherein a front view and a side view of the media player icon may be displayed.
  - o wherein at least one media center icon is an inactive media window icon corresponding to an edge-view of a media player icon.

However, Miller teaches a 3D representation of an application window where the windows are disposed on the front, back and side of a cube. The application windows on the side of the cube can be from a variety of applications (See column 3, lines 40-52), which can be a media player. Miller teaches the ability to rotate the cube (See column 6, lines 40-53). Miller teaches that multiple applications cube can simultaneously exist on the interface, where a first media application can exist in cube A and a second can be in cube b, as shown in figure 7. The user can rotate the cubes with a pointer or input device and a user can manipulate one cube where the cube remains unobstructed (cube A) from view when the user rotates the second cube or visa versa. Miller teaches that the user can select from one cube that is unobstructed (See figure 6) as the user can select from the side window and the front is still in view. Miller shows the front and side view simultaneously displayed (See figure 7, G and H). Miller teaches the windows operated as traditional windows and the user can have application window E be an inactive window on the edge of the second cube in figure 7 as the user decides which applications they wish to display, which can be a window that is inactive, meaning not is use and not in focus, while displayed on the cube. Miller and Clapper are analogous art because they both teach a process of simplifying

the interface for the user where commands and applications are manipulated on the interface to make the interaction process easier.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Miller and Clapper, Kolbe in front of them, to modify the Icons of Clapper and Kolde with the 3D cube of Miller for the purposes of displaying more information in a smaller space and to allow for multiple applications to run simultaneously without overlapping window configurations. The motivation to combine Miller with Clapper and Kolbe comes from the suggestion in Miller that display space is at a premium and providing a window with a 3D area allows for the placement of windows on the display that would have otherwise obstructed the view of the display and not allowed the user to interact with several application controls at once.

With respect to **dependent claims 39-40,** as indicated in the above discussion, Clapper in view of Kolde teaches every limitation of claim 13 and 17.

Clapper does not expressly teach the method wherein said at least one media player icon has a video texture mapped onto the display surface of the media center icon. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Kolde, because Kolde teaches a process of putting graphical markings and textual markings on the icon (See Para 0064). Kolde teaches the icons may share many visual characteristics and that the button will have an Icon that will be a picture of the application that the GUI represents (See Para 0063 and 0065). Kolde further teaches that the Icons can be stored in the JPEG, GIF and TIFF formats, which creates a structure for visual characteristics and markings to be interpreted as textures to be added to media center icon.

8.   Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clapper et al

(hereinafter Clapper) U.S. Patent No. 6,822,698 issued Nov. 23, 2004 and filed Sept. 12,

2002, in view of Kolde (hereinafter Kolde) U.S. Patent Pub No. 20020175944 published Nov.

28, 2002 and filed May 23, 2001, in further view of Kwon et al (hereinafter Kwon) U.S.

Patent No. 7043691 issued May 29, 2006 and filed June 30, 2000.

With respect to **dependent claim 22,** as indicated in the above discussion, Clapper in view of

Kolbe teaches every limitation of claim 19.

Clapper expressly teaches that the media center computer is configured to display media center

icons for a plurality of media devices (See Figure 2 and 8).

Clapper in view of Kolbe does not expressly teach the media center computer is configured to

display the devices and their associated connections during a setup step for establishing media

device connections.

 However, this limitation would have been obvious to one of ordinary skill in the art at the time of

the invention, in view of Kwon, because Kwon teaches a process of displaying a menu with icons

and a process of showing the user the connections needed to setup a device (See column 2,

lines 1-31). Kwon and Shutaro are analogous art for several reasons: First, they operate with

several device types in media environment such and DVD, TV, and CD players. Second, they

provide on-screen support and assistance. Third, they both provide functions through menus.

Therefore, the suggestion to combine Shutaro with Kwon comes from the teaching in Kwon to

help the user to understand the process of connecting and interacting with the functions of the

machine through a visual means.

**It is noted that any citation to specific pages, columns, lines, or figures in the prior art
references and any interpretation of the references should not be considered to be limiting
in any way. A reference is relevant for all it contains and may be relied upon for all that it
would have reasonably suggested to one having ordinary skill in the art. In re _Heck,_ 699
F.2d 1331, 1332-33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re _Lemelson,_ 397 F.2d
1006,1009, 158 USPQ 275, 277 (CCPA 1968)).**

Response to Arguments

Applicant's arguments with respect to claims 1, 4, 7-8, 12-14, 16-17, 19, 21-24 and 37-41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M, W, F 10:00AM - 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.
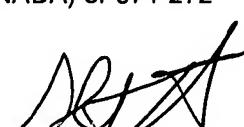
/Steven B Theriault/
Patent Examiner
Art Unit 2179